



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 13, 2004

COUNCIL DISTRICT: 3
SNI AREA: Delmas Park

SUBJECT: C04-020. DIRECTOR INITIATED-CONVENTIONAL REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT AND R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT TO R-2 TWO-FAMILY RESIDENCE DISTRICT AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICT ON A 13.48 GROSS ACRE SITE, LOCATED AT THE AREA BOUNDED BY INTERSTATE 280 TO THE SOUTH, WEST SAN CARLOS STREET TO THE NORTH, BIRD AVENUE TO THE WEST, AND DELMAS AVENUE AND HIGHWAY 87 TO THE EAST.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning.

BACKGROUND

On May 12, 2004, the Planning Commission held a public hearing to consider a Director initiated-conventional rezoning from LI Light Industrial and R-2 Two-Family Residence to R-2 Two-Family Residence and CP Commercial Pedestrian to allow residential and commercial uses.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

One Delmas Park business owner, Jack Wiens, spoke on the project. Mr. Wiens stated that he supports the proposed CP Commercial Pedestrian zoning of one of his properties. However, Mr. Wiens also stated concern that the rezoning alone would result in only a minor facelift and that the City should develop a larger vision or plan for redevelopment of the Delmas Park area.

A member of the Delmas Park Neighborhood Association, Michael Coleman, spoke in favor of the project. Mr. Coleman stated that he regularly attended the Neighborhood Advisory Committee (NAC) meetings, wholeheartedly supported the rezoning, and that the rezoning conformed with the goals of the Delmas Park SNI.

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Commissioner Zito questioned why select properties were being rezoned to Commercial Pedestrian and others to R-2 Residential. Planning staff responded that these properties were proposed to be rezoned to Commercial Pedestrian, consistent with their existing Commercial General Plan Land Use Designation, because these properties contain existing commercial uses and/or structures that have been part of the historic fabric of the neighborhood, and that the rezoning reflects the *Delmas Park SNI Improvement Plan*'s recommendation to retain existing neighborhood-serving and neighborhood-compatible commercial uses.

Commissioners Zamora and Levy both questioned whether the parcels with industrial uses could also have been rezoned to commercial. Planning staff responded that the existing industrial uses were not proposed to be rezoned to a commercial zoning district because the Delmas Park SNI Improvement Plan envisioned these properties ultimately being developed with residential uses. Additionally, these properties have a Medium Density Residential (8-16 DU/AC) General Plan Land Use Designation and a commercial zoning district would not conform.

The Planning Commission then closed the public hearing.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. In addition, the Planning Division's website contains information regarding the zoning process, the legal nonconforming use process, the Zoning Ordinance, and the *San José 2020 General Plan*, as well as information on this proposed rezoning application, including staff reports and public hearing schedule. Staff has also been available to discuss the subject project on an individual basis with property owners and members of the public.

One property owner meeting was held for this project on March 25, 2004 in conjunction with the consideration of a companion rezoning, C04-019 in the northern part of the Delmas Park SNI area. Nine property owners were in attendance, including both owner occupants and absentee landlords. While a number of the participants verbally expressed support for the proposed rezonings, two participants were vocally opposed because they were concerned that rezoning their properties from LI Light Industrial to the R-2 Residential Zoning district would reduce the value and the flexibility of using and/or redeveloping their properties. Both of these individuals owned property in the subject area. Planning staff addressed all questions and concerns brought up during the meeting.

The rezoning was also discussed with the Delmas Park NAC and other community members at the NAC's regular meetings on February 3, March 2, April 6 and May 4, 2004.

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COORDINATION

As standard procedure in the development review process, this project was coordinated with the Santa Clara Valley Water District, Department of Public Works, Airport Department, Fire Department, Police Department, Environmental Services Department and the City Attorney. The project was also coordinated with the District 3 Council Office and the Redevelopment Agency.

STEPHEN M. HAASE

Secretary, Planning Commission